

BUREAU OF LAND MANAGEMENT
Southeastern States Field Office
411 Briarwood Drive, Suite 404
Jackson, Mississippi 39206

DETERMINATION OF NEPA ADEQUACY (DNA) FORM

DNA/NEPA Doc No.: ES-020-2013-29

PROJECT NAME: Mississippi USDA Forest Service Oil and Gas Expression of Interest (EOI)
 #1718

TECHNICAL REVIEW:

X	Program	Reviewer	Signature	Date
X	Air Quality	Brian Kennedy	<i>Brian Kennedy</i>	8/22/13
	ACEC			
X	Botanical including T & E Spp.	Brian Kennedy	<i>Brian Kennedy</i>	8/22/13
	Communications (Dispatch)			
X	Cultural/Paleontology	John Sullivan	<i>[Signature]</i>	8-22-13
X	Energy Policy	Brian Kennedy	<i>Brian Kennedy</i>	8/22/13
X	Environmental Justice	Brian Kennedy	<i>Brian Kennedy</i>	8/22/13
X	Farmlands (Prime & Unique)	Brian Kennedy	<i>Brian Kennedy</i>	8/22/13
	Fire Management			
	Floodplain			
X	Hazardous Material	Brian Kennedy	<i>Brian Kennedy</i>	8/22/13
X	Invasive & Non-Native Species	Brian Kennedy	<i>Brian Kennedy</i>	8/22/13
	Lands/Realty			
	Land Law Examiner			
	Law Enforcement			
X	Minerals	Brian Kennedy	<i>Brian Kennedy</i>	8/22/13
X	Native American Religious Concerns	John Sullivan	<i>[Signature]</i>	8-22-13
	Operations			
	Range Management			
X	Recreation	Brian Kennedy	<i>Brian Kennedy</i>	8/22/13
X	Soils	Brian Kennedy	<i>Brian Kennedy</i>	8/22/13
	Surface Protection			
X	Visual Resources	Brian Kennedy	<i>Brian Kennedy</i>	8/22/13
	Water Rights			
X	Water Quality (Surface & Ground)	Brian Kennedy	<i>Brian Kennedy</i>	8/22/13
X	Wetlands/Riparian Zones	Brian Kennedy	<i>Brian Kennedy</i>	8/22/13
X	Wild & Scenic Rivers	Brian Kennedy	<i>Brian Kennedy</i>	8/22/13
X	Wilderness	Brian Kennedy	<i>Brian Kennedy</i>	8/22/13
	Wild Horses/Burros			
X	Wildlife including T & E Spp.	Brian Kennedy	<i>Brian Kennedy</i>	8/22/13

Worksheet
Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)
U.S. Department of the Interior Bureau of Land Management

Note: This Worksheet is consistent with the policies stated in the Instruction Memorandum entitled, Documentation of Land Use Plan Conformance and National Environmental Policy Act (NEPA) Adequacy, Transmitting this Worksheet, and the Guidelines for using the DNA Worksheet, located in Appendix 8 - 161 H-1790-1 - National Environmental Policy Act Handbook (<http://www.blm.gov/wy/st/en/info/NEPA.html>).

A. Proposed Action

The proposed action is to lease federal mineral estate under one of the six National Forests of the USDA Forest Service in the state of Mississippi. The lease parcel known as EOI# 1718 will be located in Mississippi's Homochitto National Forest. The Homochitto National Forest is located in the southwest part of the state of Mississippi.

EOI#1718's legal description is attached to the DNA. Approximately 200 acres of USDA Forest Service's property will be available for lease from EOI# 1718 in the Homochitto National Forest.

The proposed lease parcels would be subject to USDA Forest Service conditions, notices, stipulations, and/or terms. Additional to the USDA Forest Service, BLM-ES lease terms and surface use conditions would apply. BLM-ES will offer EOI#1718 at the next available oil and gas lease sale.

B. Land Use Plan (LUP) Conformance

LUP Name: USDA Forest Service, National Forests in Mississippi, Land and Resource Management Plan

Date Approved: September 16, 1985

Oil and gas leasing analysis and environmental assessment for National Forests in Mississippi was prepared by the USDA Forest Service with BLM as a cooperative agency and signed on August 6, 2010.

All National Forests lands of Mississippi, although geographically separated from each other across the state, cover approximately 1.2 million acres and are managed under one Forest Plan adopted in September 1985.

C. Identify applicable NEPA documents and other related documents that cover the proposed action. (List by name and date all applicable documents that cover the proposed action such as Environmental Assessments (EA), Best Management Practices (BMP), and etc.)

- (1). EA Name: National Forests in Mississippi, Lands Available for Oil and Gas Leasing Environmental Assessment
 Date Approved: August 6, 2010
- (2). MOU Name: Memorandum of Understanding between United States Department of the Interior, Bureau of Land Management and United States Department of Agriculture, Forest Service Concerning Oil and Gas Leasing and Operations. Forest Service Agreement No. 06-SU-11132428-052
 Date Approved: April 14, 2006
- (3). BLM BMPs: Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development, Gold Book
 Date Approved: 2006

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed? Is the current proposed action located at a site specifically analyzed in an existing document?

The proposed action is part of an action previously analyzed under the USDA Forest Service's National Forest in Mississippi, Lands Available for Oil and Gas Leasing Environmental Assessment, August 2010 with the BLM as a cooperative agency. The scope of the USDA Forest Service's EA was oil and gas leasing in all six National Forests within the state of Mississippi including their Ranger Districts. The parcels listed in this DNA are within the boundaries of the Homochitto National Forest in the state of Mississippi and those parcels are covered by the USDA Forest Service's EA.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, and resource values?

The range of alternatives analyzed in the proposed action is appropriate and still relevant in respect to the current proposed action. A wide range of environmental concerns and resource values surrounding leasing and the potential development of federal mineral estate was extensively addressed in the USDA Forest Service's EA: National Forest in Mississippi, Lands Available for Oil and Gas Leasing Environmental Assessment, August 2010.

3. Is the existing analysis valid in light of any new information or circumstances?

The existing analysis contained in the USDA Forest Service's EA: National Forest in Mississippi, Lands Available for Oil and Gas Leasing Environmental Assessment, August 2010 is current and there is no new information or circumstances that has arisen that would render the previous analyses inadequate.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

USDA Forest Service's EA: National Forest in Mississippi, Lands Available for Oil and Gas Leasing Environmental Assessment was signed on August 2010. The methodology and analytical approach used is up-to-date and appropriate to use for leasing the proposed USDA Forest Service parcels of the Homochitto National Forest.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document analyze site-specific impacts related to the current proposed action?

The direct and indirect impacts of the proposed action have not changed from those analyzed in the NEPA documents cited above. The previous NEPA analysis addresses the same site-specific impacts for the proposed action under USDA Forest Service lands.

6. Are the cumulative impacts that would result from implementation of the current proposed action substantially unchanged from those analyzed in the existing NEPA document(s)?

No new cumulative impacts would result beyond those previously addressed in the NEPA documents cited above.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

The public involvement and review process for the NEPA documents cited above is adequate for the proposed action.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the NEPA analysis and preparation of this worksheet.

Prepared by: Brian Kennedy Date: 8/22/13
Brian Kennedy
Physical Scientist

Reviewed by: Gary Taylor Date: 8/22/13
Gary Taylor
NEPA Coordinator

Reviewed by: Duane Winters Date: 8-22-13
Duane Winters
Resource Supervisor

Reviewed by: John Reiss Date: 8/22/2013
John Reiss
Acting Minerals Supervisor

Conclusion

Based on the review documented above along with attached BLM Surface Use Leasing Stipulations, I conclude that this proposal conforms to the USDA Forest Service's applicable land use plan and 2010 environmental assessment. The National Environmental Policy Act (NEPA) documentation fully covers the proposed action and constitutes the Bureau of Land Management (BLM) compliance with the requirements of NEPA.

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

Reviewed by: Bruce Dawson Date: 8-22-2013
Bruce Dawson
Southeastern States Field Office Manager

Approved by: Tony Henell Date: 9-13-13
Deputy State Director for Natural Resources
ASD

BLM Oil and Gas Leasing **Surface Use Stipulations**

(1). Cultural Resources and Tribal Consultation

Stipulation: This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. These obligations may include a requirement that you provide a cultural resources survey conducted by a professional archaeologist approved by the State Historic Preservation Office (SHPO). If currently unknown burial sites are discovered during development activities associated with this lease, these activities must cease immediately, applicable law on unknown burials will be followed and, if necessary, consultation with the appropriate tribe/group of federally recognized Native Americans will take place. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

Exception: None

Modification: None

Waiver: None

(2). Endangered Species

Stipulation: The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that will contribute to a need to list such a species or their habitat. BLM may require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligations under applicable requirements of the Endangered Species Act as amended, 16 U.S.C. ' 1531 et seq., including completion of any required procedure for conference or consultation.

Exception: An exception may be granted if the operator agrees to implement measures developed in consultation with USDA Forest Service, USFWS, and coordination with state agencies.

Modification: The stipulation may be modified if it is determined that a portion of the lease area does not support threatened, endangered, or other special status species. Since the surface is under the management and jurisdiction of the USDA Forest Service, any modifications must meet USDA Forest Service policies/regulations and be approved by the USDA Forest Service.

Waiver: The stipulation may be waived if it is determined that the lease area does not support threatened, endangered, or other special status species. Since the surface is under the management and jurisdiction of the USDA Forest Service, any waivers must meet USDA Forest Service policies/regulations and be approved by the USDA Forest Service.

(3). Sensitive Plant Species

Stipulation: To protect threatened, endangered, candidate, proposed, and BLM Sensitive Plant Species. All suitable special status plant species habitat will be identified during environmental review of any proposed surface use activity. If field examination indicates that habitat of one or more of these species is present, BLM will require a survey by a qualified botanist for special status plants during time periods appropriate to each species. Operations will not be allowed in areas where sensitive plants would be affected.

Exception: An exception may be granted if the operator agrees to implement measures developed in consultation with USDA Forest Service, USFWS, and coordination with state agencies.

Modification: The stipulation may be modified if it is determined that a portion of the lease area does not support sensitive plant species upon the approval of the USDA Forest Service. The USDA Forest Service must approve any modifications before they can be entertained by BLM for review.

Waiver: The stipulation may be waived if it is determined that the lease area does not support sensitive plant species upon the approval of the USDA Forest Service. The USDA Forest Service must approve any waivers before they can be entertained by BLM for review.

(4). Invasive and Non-Native Species

Stipulation: Use of native or non-invasive plants in seeding mixtures under the direction/supervision of the USDA Forest Service will be encouraged to stabilize disturbed areas and during restoration activities. Construction sites will be surveyed for invasive species prior to ground disturbance. If invasive species are found, the proper control measures will be used to either eradicate the species from the area or minimize its spread to other areas under the direction of USDA Forest Service and BLM. If an invasive species is found on site after construction has begun, equipment will be washed before exiting the site to prevent the spread of this highly invasive species to other locations. Pre-construction monitoring for invasive plant species should be conducted to ensure early detection control.

Exception: None

Modification: None

Waiver: None

MISSISSIPPI, HOMOCHITTO NATIONAL FOREST TRACTS

1. **EOI #1718**

Homochitto National Forest
Wilkinson County, Mississippi
T 4N, R 1E, Washington Meridian
Section 40, NWNW; SW;
Approximately 200 Acres

TRANSMITTAL SHEET

DATE: August 13, 2013

TO: Eastern States Office, Bureau of Land Management

REF: Area by Area Title Report for T4N R1W, Homochitto NF, Mississippi

Comments: Enclosed is our Area by Area Title Report for T4N R1W, on the Homochitto National Forest, in Mississippi. This report provide detailed mineral ownership information and list the Stipulations and Lease Notices as set forth in the Oil and Gas Leasing Environmental Analysis dated August 6, 2010.

If there are questions, please contact Tina Mitchell, at (404) 347-2912 or tinamitchell@fs.fed.us.

/s/ Jeffrey Vail
JEFFREY VAIL
Director of Lands, Minerals and Uses

Enclosures

cc: James Michael, NFs in Mississippi

Lands Available for Lease as of July 1, 2013

National Forests in Mississippi
Homochitto National Forest
TOWNSHIP 4 NORTH RANGE 1 WEST
Washington Meridian

STATUS: Acquired
TREASURY SYMBOL: 125008.1
PROJECT NUMBER: 234

COUNTY: Wilkinson
DISTRICT: Homochitto

NOTE: All lands available for lease are subject to Notice to Lessee 03, 04, & 05, and Timing Limitation Stipulation 01, enclosed.

<u>LEGAL DESCRIPTIONS</u>	<u>ACRES</u>	<u>STIPULATIONS AND/OR NTLs</u>
Sec. 4: Lots 2 & 4	274.40	
Sec. 14: E2; N2NW; SENW less 9.92 acres; SW less 12.09 acres on N side	621.54	
Sec. 15: SW; W2SE	245.09	
Sec. 16: Tract H-1084, being part of Lot 2 containing 14.72 acres; Tract H-1083, being part of Lot 8 containing 25.62 acres.	40.34	
Sec. 17: Part of SENW; part E2SW; SWSW less 2 acres for Perrytown Church.	124.23	
Sec. 18: SWNWNE; NWSWNE; S2SENE; S2NENW; N2SWNW; SWSWNW; SENW; E2NESW; SESW; SE; South part of SWSW described as: Beginning at SW corner of Sec. 18, thence S 89° 20' E 21.38 chains, thence N 1° 30' E 11.50 chains, N 89° 20' W 21.88 chains to the Section line, thence S 1° 30' W 11.50 chains to the place of beginning containing 25.16 acres.	419.72	
Sec. 19: E2NE; N2NWNW SWNWNW; SWNW less 5 acres in NE corner; SW; NESE less that part lying W of public road in NW corner; NWSE lying S of old woods road; S2SE	475.6	
Sec. 20: All	668.61	
Sec. 21: All less 25.07 acre exception in S2NW	678.43	

Lands Available for Lease as of July 1, 2013

National Forests in Mississippi
Homochitto National Forest
TOWNSHIP 4 NORTH RANGE 1 WEST (continued)
Washington Meridian

STATUS: Acquired
TREASURY SYMBOL: 125008.1
PROJECT NUMBER: 234

COUNTY: Wilkinson
DISTRICT: Homochitto

NOTE: All lands available for lease are subject to Notice to Lessee 03, 04, & 05, and Timing Limitation Stipulation 01, enclosed.

<u>LEGAL DESCRIPTIONS</u>	<u>ACRES</u>	<u>STIPULATIONS AND/OR NTLs</u>
Sec. 22: That part of Tract H-1083 lying in southern part of Lot 3 (23.98 ac) & southern part of Lot 6 (61.20 ac)** (**Lands in this area can not be described accurately by GLO.)	85.18	
Sec. 23: W2NE; SENE; NW; S2	638.06	
Sec. 24: All that part of Tracts H-1083, H-334a, and H-1093 lying in Sec. 24.	505.59	
Sec. 25: N2NENE; W2NW; That part of Tract H-1093 lying In the SWSW containing 23.45 acres; SE	303.62	
Sec. 26: N2NE; S2SWNE; SENE; NW	328.10	
Sec. 27: All	671.39	
Sec. 28: All	673.60	
Sec. 29: All	720.66	
Sec. 30: All of that part of Tract H-1083 lying in Section 30 containing 454.44 acres.	454.44	
Sec. 31: All of that part of Tract H-1083 lying in Section 31 containing 553.99 acres.	553.99	
Sec. 32: All	647.77	
Sec. 33: All	679.67	
Sec. 34: E2NE; SWNE; W2; SE	647.31	

Lands Available for Lease as of July 1, 2013

National Forests in Mississippi
Homochitto National Forest
TOWNSHIP 4 NORTH RANGE 1 WEST (continued)
Washington Meridian

STATUS: Acquired
TREASURY SYMBOL: 125008.1
PROJECT NUMBER: 234

COUNTY: Wilkinson
DISTRICT: Homochitto

NOTE: All lands available for lease are subject to Notice to Lessee 03, 04, & 05, and Timing Limitation Stipulation 01, enclosed.

<u>LEGAL DESCRIPTIONS</u>	<u>ACRES</u>	<u>STIPULATIONS AND/OR NTLs</u>
Sec. 35: E2NENE; W2SW	103.54	
Sec. 36: NENE; S2NE; NWNW less 2 acres; SWNW	209.04	
Sec. 37: S2NENE; NWNE; SENE; N2NW; SWNW	242.63	
Sec. 38: N2	341.86	
Sec. 39: All of that part of Tract H—1083 lying in Section 39 containing 431.25 acres.	431.25	
Sec. 40: All of that part of Tract H-1083 lying in Section 40 containing 468.02 acres.	468.02	
Sec. 41: NW; NESW	221.05	
		Total Lands Available
- 12,474.73		

Lands Available for Lease as of July 1, 2013

National Forests in Mississippi
Homochitto National Forest
TOWNSHIP 4 NORTH RANGE 1 WEST
Washington Meridian

STATUS: Public Domain
TREASURY SYMBOL: 145003
PROJECT NUMBER: 234

COUNTY: Wilkinson
DISTRICT: Homochitto

NOTE: All lands available for lease are subject to Notice to Lessee 03, 04, & 05, and Timing Limitation Stipulation 01, enclosed.

LEGAL DESCRIPTIONS

STIPULATIONS
ACRES AND/OR NTLs

Sec. 34: NWNE

43.15 None

Total PD Lands

Available - 43.15

By Patent Number 1053700 dated March 3, 1932 the U.S. reserved all oil and gas. By Deed dated 5/20/1936 the U.S. purchase the land so patented therefore the status of the land became acquired and the minerals remained public domain.

Federal Minerals Available for Lease by BLM
as of July 1, 2013

National Forests in Mississippi
Homochitto National Forest
TOWNSHIP 4 NORTH RANGE 1 WEST
Washington Meridian

STATUS: Acquired
TREASURY SYMBOL: 125008.1
PROJECT NUMBER: 234

COUNTY: Wilkinson
DISTRICT: Homochitto

LEGAL DESCRIPTIONS

ACRES

Sec. 12:	Tract E-50j, being Lots 1* & 2*	68.00
	(*U.S. mineral ownership only/private surface)	
Sec. 13:	Tract E-50k, being Lots 5*, 6* less 9.90 acres in SW corner; *10 acres in SW corner of Lot 4	98.12
	(*U.S. mineral ownership only/private surface)	
Sec. 16:	W2SW*	84.36
	(*U.S. mineral ownership only/private surface)	
Sec. 43:	Tract E-50q, being 40 acres in shape of square in NE corner*	40.00
	(* U.S. mineral ownership only/private surface)	

TOTAL MINERALS AVAILABLE FOR LEASING BY BLM - 290.48 ACRES

Lands Unavailable for Lease as of July 1, 2013

National Forests in Mississippi
Homochitto National Forest
TOWNSHIP 4 NORTH RANGE 1 WEST
Washington Meridian

STATUS: Acquired
TREASURY SYMBOL: 125008.1
PROJECT NUMBER: 234

COUNTY: Wilkinson
DISTRICT: Homochitto

<u>LEGAL DESCRIPTIONS</u>	<u>ACRES</u>	<u>UNAVAILABLE BECAUSE</u>
Sec. 18: Tracts H-122c, H-122d	87.57	Outstanding minerals
Sec. 23: NENE (Tract H-E16r)	42.54	Outstanding minerals
Sec. 24: Part of Tract H-41a	10.65	Outstanding and Reserved minerals
Sec. 26: N2SWNE (Tract E-16s); S2 (Tract E-16t)	371.84	Outstanding minerals
Sec. 30: E3NESW (Tract H-61) E2SESW Tract H-39c	22.03 22.03	Reserved minerals Outstanding minerals
Sec. 35: Part of Tract H-41a	595.90	Outstanding minerals
Sec. 36: NWNE; SENW; N2SW; SE	337.87	Outstanding minerals
Sec. 37: N2NENE; SWNE; SENW; S2	463.22	Outstanding and Reserved minerals
Sec. 38: SW; W2SE; SESE; NESE less 11.49 acre	330.38	Outstanding minerals
Sec. 39: SWNW; E2NWSW; S2SW; SWSE	180.54	Outstanding minerals
Sec. 41: W2NE; NWSW; SESW; SE	353.69	Outstanding minerals
		Total Lands Unavailable
- 2,818.26		

MSES _____

NATIONAL FORESTS IN MISSISSIPPI

NOTICE TO LESSEE 03

All or part of the leased lands may contain animal or plant species classified under the Endangered Species Act of 1973, as amended. Other species may have been identified as sensitive in accordance with Forest Service Manual 2670 and be listed on the current Regional Forester's List of Sensitive Plant and Animal Species. Further information concerning the classification of these species may be obtained from the authorized Forest Officer.

Exploration and development proposals may be limited or modifications required if activity is planned within the boundaries of a threatened, endangered or sensitive plant or animal species location as it then exists. All activities within these areas must be conducted in accordance with existing laws, regulations and the Forest Land and Resource Management Plan guidelines.

MSES _____

NATIONAL FORESTS IN MISSISSIPPI

NOTICE TO LESSEE 04

All or part of the leased lands may be classified as wetlands in accordance with Executive Order 11990, "Protection of Wetlands" or a floodplain in accordance with Executive Order No. 11988, "Floodplain Management." Further information concerning the classification of these lands may be obtained from the authorized Forest office.

All activities within these areas must be conducted in a manner to minimize adverse impacts to the resource values and in accordance with the Forest Land and Resource Management Plan guidelines.

MSES _____

NATIONAL FORESTS IN MISSISSIPPI

NOTICE TO LESSEE 05

The proposed land to be leased has areas, less than a 40-acre legal subdivision, with slopes greater than 15% in which ground disturbing activities (such as roads and well pads) will not be authorized. Further information concerning the classification of these lands may be obtained from the authorized Forest office.

All activities within these areas must be conducted in a manner to minimize adverse impacts to the resource values and in accordance with the Forest Land and Resource Management Plan guidelines.

MSES _____

NATIONAL FORESTS IN MISSISSIPPI

TIMING LIMITATION STIPULATION 01

No surface use is allowed during the following time period(s). This stipulation does not apply to operation and maintenance of production facilities.

Ground disturbing activities, including road, pipeline, and well pad construction, may be restricted during the wet season from 11/30 thru 3/31 depending on site specific conditions at the time the Application for Permit to Drill is filed, unless the Operator can furnish construction measures to mitigate damages to surface resources.

On the lands described below:

Entire lease

For the purpose of (reasons):

Prevent excessive soil erosion and rutting resulting from construction activities during the wet season. Land and Resource Management Plan, National Forests in Mississippi, as amended, 9/85.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

MSES _____

STIPULATION FOR LANDS OF THE NATIONAL FOREST SYSTEM
UNDER JURISDICTION OF
DEPARTMENT OF AGRICULTURE

The licensee/permittee/lessee must comply with all the rules and regulations of the Secretary of Agriculture set forth at Title 36, Chapter II, of the Code of Federal Regulations governing the use and management of the National Forest System (NFS) when not inconsistent with the rights granted by the Secretary of the Interior in the license/prospecting permit/lease. The Secretary of Agriculture's rules and regulations must be complied with for (1) all use and occupancy of the NFS prior to approval of a permit/operation plan by the Secretary of the Interior, (2) uses of all existing improvements, such as Forest development roads, within and outside the area licensed, permitted or leased by the Secretary of the Interior, and (3) use and occupancy of the NFS not authorized by a permit/operating plan approved by the Secretary of the Interior.

All matters related to this stipulation are to be addressed to:

Forest Supervisor, NFs in Mississippi

100 W. Capitol Street, Suite 1141

Jackson, MS 39269

Telephone No.: 601-965-1600

who is the authorized representative of the Secretary of Agriculture.

BLM District Office

Bureau of Land Management
Jackson District Office
411 Briarwood Drive, Suite 404
Jackson, Mississippi 39206

Management Agency

USDA Forest Service - Region 8
Room 792 South, Lands & Minerals
1720 Peachtree Road, N.W.
Atlanta, Georgia 30367



DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT
for the
Lands Available for Oil & Gas Leasing
Environmental Assessment



United States Department of Agriculture
Forest Service
Southern Region, R-8
National Forests in Mississippi

**Tippah, Benton, Marshall, Lafayette, Union, Pontotoc, Chickasaw,
Yalobusha, Choctaw, Oktibbeha, Winston, Sharkey, Issaquena, Scott,
Newton, Smith, Jasper, Jefferson, Copiah, Lincoln, Franklin, Adams,
Wilkinson, Amite, Jones, Wayne, Greene, Pearl River, Forrest, Perry,
George, Stone, Jackson, and Harrison Counties, Mississippi**

BACKGROUND AND EA AVAILABILITY

An interdisciplinary team (IDT) has reviewed the oil and gas resource conditions for the National Forests in Mississippi (NFsMS). As a result, an Environmental Assessment (EA) has been prepared which considered the Proposed Action and No Action, in detail. The Proposed Action was developed to address the purpose of and need for resource management actions. The Lands Available for Oil and Gas Leasing EA (incorporated by reference here) is available on the NFsMS website: www.fs.fed.us/r8/mississippi.

DECISION

After full consideration of the environmental analysis, public comments, and from recommendations from the IDT, I have decided to implement **Alternative 2 – Lands Available for Leasing Alternative**, including the associated design criteria as depicted in Chapter 1, Section 1.11 of the EA. I have determined that Alternative 2 best meets the purpose and need for the proposal by identifying National Forest System (NFS) lands that are administratively available for leasing. Implementing this decision implements the Federal oil and gas leasing program to help supply the nation with critical energy minerals and provide a source of revenue to local, state and Federal governments. Alternative 2 (Proposed Action) also responded to the significant issues identified through scoping (EA Appendix A). In summary, this decision authorizes the following:

To make all lands on the NFsMS, except for Congressionally designated Wilderness areas (Black Creek and Leaf) and the deferred Sandy Creek RARE II Further Study Area, available for Federal oil and gas leasing through the Bureau of Land Management (BLM). These lands, approximately 1.2 million acres, would be administratively available subject to 1) management direction in the NFsMS Forest Plan, 2) oil and gas lease stipulations, 3) the wide range of laws and regulations that require environmental protections for oil and gas exploration and development and 4) site-specific environmental analysis as detailed exploration proposals are made by lease holders.

Additionally, all administratively available lands will be available for lease by the BLM, subject to the stipulations identified in the analysis, the standard USDA stipulation, and the environmental requirements of the standard federal lease terms. (EA Appendix B)

DECISION RATIONALE

When compared to the other alternative considered in detail, the selected alternative best meets the overall purpose and need as discussed in Chapter 1 of the EA.

In addition, Alternative 2 was selected because the analysis documented in the EA concluded::

- Site productivity of soils will be maintained. (EA, Chapter 3, Section 3.3.2)
- All surface water will meet or exceed state water quality standards. (EA Section 3.3.3)
- Air quality will meet or exceed state ambient air standards. (EA, Chapter 3, Section 3.4)
- Guidance for protection of TES resources will be incorporated. (EA, Chapter 2, Section 2.4)
- There will be no change in acres classified in either the pine or hardwood forest type. (EA, Chapter 3, Section 3.6)
- The visual quality objective of the areas will remain the same. (EA, Chapter 3, Section 3.11)
- The recreation opportunities will remain the same. (EA, Chapter 3, Section 3.9)
- Potential future recreation developmental opportunities will not be precluded. (EA, Chapter 3, Section 3.9)
- Heritage resources will be protected. (EA, Chapter 3, Section 3.8)
- Potential impacts to climate change were considered. (EA, Chapter 3, Section 3.12)
- There are no negative effects to potential old growth. (EA, Chapter 3, Section 3.6)
- The best available science was used in this decision-making. (EA, Chapter 1, Section 1.8; EA, Chapter 5, References; EA, Appendix C, Selected Bibliographies; EA, Appendix D, Biological Evaluation, Section VII, References; EA, Appendix F, Response to Comments, References; EA, Appendix G, John Dykes, BLM, Bibliographies; EA, Appendix H, DOE-Shale Gas - A Primer, References; EA, Appendix I, NFsMS-Climate Change Trends and Strategies, References)

OTHER ALTERNATIVES CONSIDERED IN DETAIL

In addition to the selected alternative, I considered the “No Action” alternative. A comparison of the alternatives can be found in Chapter 2 of the EA.

Alternative 1 (No Action): No proposed management actions would be implemented. This alternative is required by the National Environmental Policy Act (NEPA) and serves as the benchmark for other alternatives in order to show changes or effect on the environment. Alternative 1 does not address the project’s purpose and need to meet the desired future conditions in the Forest Plan.

ALTERNATIVE CONSIDERED BUT ELIMINATED FROM FURTHER STUDY

An alternative considered but eliminated from detailed study would be the halting of oil and gas exploration and development on existing leases. Under this alternative, the Forest Service would not approve any surface use plan of operations for Applications for Permits to Drill (APDs) on existing leases on NFsMS, and the BLM would not approve any APDs on existing leases on NFsMS. For existing leases with no operations, this alternative would prevent lease operations; the Federal Government would be abrogating the lease. For existing leases with some oil and gas operations, this alternative would prevent new lease operations in all areas of the lease; the Federal Government would be abrogating key provisions of the lease. A subset of this alternative could also be to shut down existing operations.

Based on past experience, the environmental effects associated with existing leases are manageable. Existing oil and gas operations are part of the Congressionally-mandated multiple-use mission of the Forest Service. Maintaining the flow of domestic energy supplies of oil and gas is of National interest. For the reasons above, halting existing lease operations is not considered a reasonable alternative.

PUBLIC INVOLVEMENT

The IDT used legal notices (published in the *Clarion-Ledger* (paper of record)), mailings, internal contacts, and contact with other agencies (i.e., SHPO, USDI Fish and Wildlife Service (USFWS), etc.) to solicit comment and participation in the environmental analysis. Information on the Proposed Action and Public Invitation packages were mailed to, known interested parties, and other government agencies on January 30, 2007. The public was encouraged to submit scoping comments by March 5, 2007. Twenty-four public responses were received during the public scoping period (EA, Appendix B). In addition, the project proposal was published beginning in July 2007 in the Schedule of Proposed Actions on the National Forests in Mississippi website and has been published quarterly since that time. The National Forests in Mississippi website is available to the public for review and updates on status of proposed projects.

Comments received were reviewed and issues identified were added to the list of issues used to develop alternatives to the Proposed Action.

The 30-day comment period on the EA (ended April 26, 2010) was published in the *Clarion-Ledger* on March 26, 2010. Numerous individuals, groups, and agencies were notified that the EA was available for review and comment (EA, Chapter 4). Six public responses were received during the 30-day public comment period. Those comments and responses to those comments have been added to the EA (EA, Appendix F).

A common comment was received from several people concerning the use of hydraulic fracturing, a production enhancement technique, which has caused contamination to fresh water drinking aquifers in other areas. A response to these comments and other comments received are included as an appendix to the EA. (EA, Appendix F)

FINDING OF NO SIGNIFICANT IMPACT

To determine the significance of the selected alternative, I considered both the context and intensity of the activities. Significance of an action is to be considered in several contexts such as society as a whole, the affected region, affected interests, and the locality, depending on the setting of the proposed projects (40 CFR 1508.27(a)). The context of this action pertains only to the local area of

those project activities listed. The intensity of the activities refers to the severity of the impact. Based on the effects analyzed in the EA, I have determined that the selected alternative is not a major federal action significantly affecting the quality of the human environment. Therefore, the preparation of an environmental impact statement is not necessary. This determination is based upon the following factors found at 40 CFR 1508.27(b):

INTENSITY

1. Both beneficial and adverse effects have been considered. Impacts associated with the project are discussed in Chapter 3 of the EA. These impacts are based on the Reasonably Foreseeable Development Scenario (RFD) developed by BLM.
2. The selected alternative will not result in significant effects on public health and safety, and implementation will be in accordance with project design criteria (EA, Chapter 2) (40 CFR 1508.27(b) (2)).
3. The unique characteristics of the geographic area, including historical or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas will not be affected (EA Chapter 3) (40CFR1508.27(b) (3)).
4. Based on public involvement, the effects on the quality of the human environment are not likely to be highly controversial (40 CFR 1508.27(b) (4)). This refers to controversy over the effects as presented in the EA rather than the existence of opposition to the project itself. Six people responded with comments.
5. The actions do not involve highly uncertain, unique, or unknown human environmental risk. (EA, Chapter 3) (40 CFR 1508.27(b) (5)).
6. These actions do not set a precedent for future actions with significant effects or represent a decision in principle about a future consideration. (40 CFR 1508.27(b) (6)).
7. Possible cumulative effects of the selected action have been analyzed with consideration for past, current, and reasonably foreseeable future activities on adjacent private and public lands. Cumulative impacts over space and time have been identified in the EA and are not significant. (Chapter 3)
8. Historic places or scientific, cultural, or historic resources that may qualify for the National Register of Historic Places will not be adversely affected by this action (EA Chapter 3). When site-specific proposals to explore are received, site-specific environmental analysis will evaluate potential effects. If heritage resource sites are discovered during future surveys or implementation operations, activities in the general area of the discovery will be stopped until the site can be evaluated for significance by an archaeologist.
9. This action will not adversely affect any endangered or threatened species or critical habitat designated under the Endangered Species Act of 1973 (EA, Chapter 3) (Biological Evaluation and USDI FWS concurrence dated July 6, 2010 (Appendix D)).

10. The action does not threaten a violation of federal, state or local law or requirements imposed for the protection of the environment. (Chapter 3)

FINDINGS REQUIRED BY NFMA AND OTHER LAWS

1. This project is consistent with requirements of the National Forest Management Act (NFMA) (16 U.S.C. 1604). Based on the EA, which discloses that the actions have been planned and will be implemented consistent with the Forest Plan, I have determined that actions included in this decision are therefore consistent with the Forest Plan for the NFsMS (as amended).
2. This project is consistent with the National Historic Preservation Act and the Archeological Resources Protection Act. In consultation with the Mississippi State Historic Preservation Officer (SHPO) and interested Tribal Historic Preservation Officers (THPO), the Forest Service program for compliance with the National Historic Preservation Act includes locating, inventorying and nominating all cultural sites that may be directly or indirectly affected by scheduled activities. A qualified archeologist has reviewed this program. The cultural resource clearance has been completed with concurrence from the Mississippi State Historic Preservation Officer.
3. This project is consistent with the Endangered Species Act. In accordance with FSM 2672.4, Biological Evaluations were prepared to evaluate the effects of the planned activities of PETS species. The USDI Fish and Wildlife Service (USFWS) concurred with the determinations of the PETS species.

As required by 36 CFR 219.35, as published in the Federal Register on December 18, 2009, FR Volume 74, No. 242, pages 67059-67075, I have considered the best available science in making this decision. The project record demonstrates a thorough review of relevant scientific information, consideration of responsible opposing views, and, where appropriate, the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk. Best available science considerations are evident in the Lands Available for Oil & Gas Leasing EA. Scientific considerations are evident throughout the environmental effects analysis documented in Chapter 3 of the EA.

APPEAL OPPORTUNITIES, CONTACT, AND IMPLEMENTATION

Notice of this decision will be published in the *Clarion-Ledger*, Jackson, Mississippi.

This decision is subject to administrative appeal pursuant to 36 CFR 215 (decisions for projects and activities implementing land and resource management plans documented in a Decision Notice). A written appeal, including any attachments, must be postmarked or received within 45 days after the date that the legal notice announcing this decision is published in the **Clarion-Ledger** (Jackson, MS), the paper of record. Any appeals being filed must meet the content requirements of 36 CFR 215.14.

Appeals must be filed with the Regional Forester for the Southern Region at:

USDA Forest Service
Attn: Appeals Deciding Officer
1720 Peachtree Rd., NW, Suite 811N
Atlanta, Georgia 30309-9102

Appeals may also be faxed to (404) 347-5401, or be mailed electronically in a common digital format to appeals-southern-regional-office@fs.fed.us. Hand-delivered appeals must be received within normal business hours of 7:30 a. m. to 4:00 p. m., excluding delivery on federal holidays when the office is closed.

If no appeal is received, implementation of this decision may occur on, but not before, five business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 business days following the date of appeal disposition (36 CFR 215.9)

For further information regarding the planned actions, contact Jim Michael, Forest Geologist, (601) 965-1667. For additional information concerning the Forest Service appeals process, contact Robert Bradford, Environmental Coordinator, (601) 965-1605.


Margrett Boley
Forest Supervisor

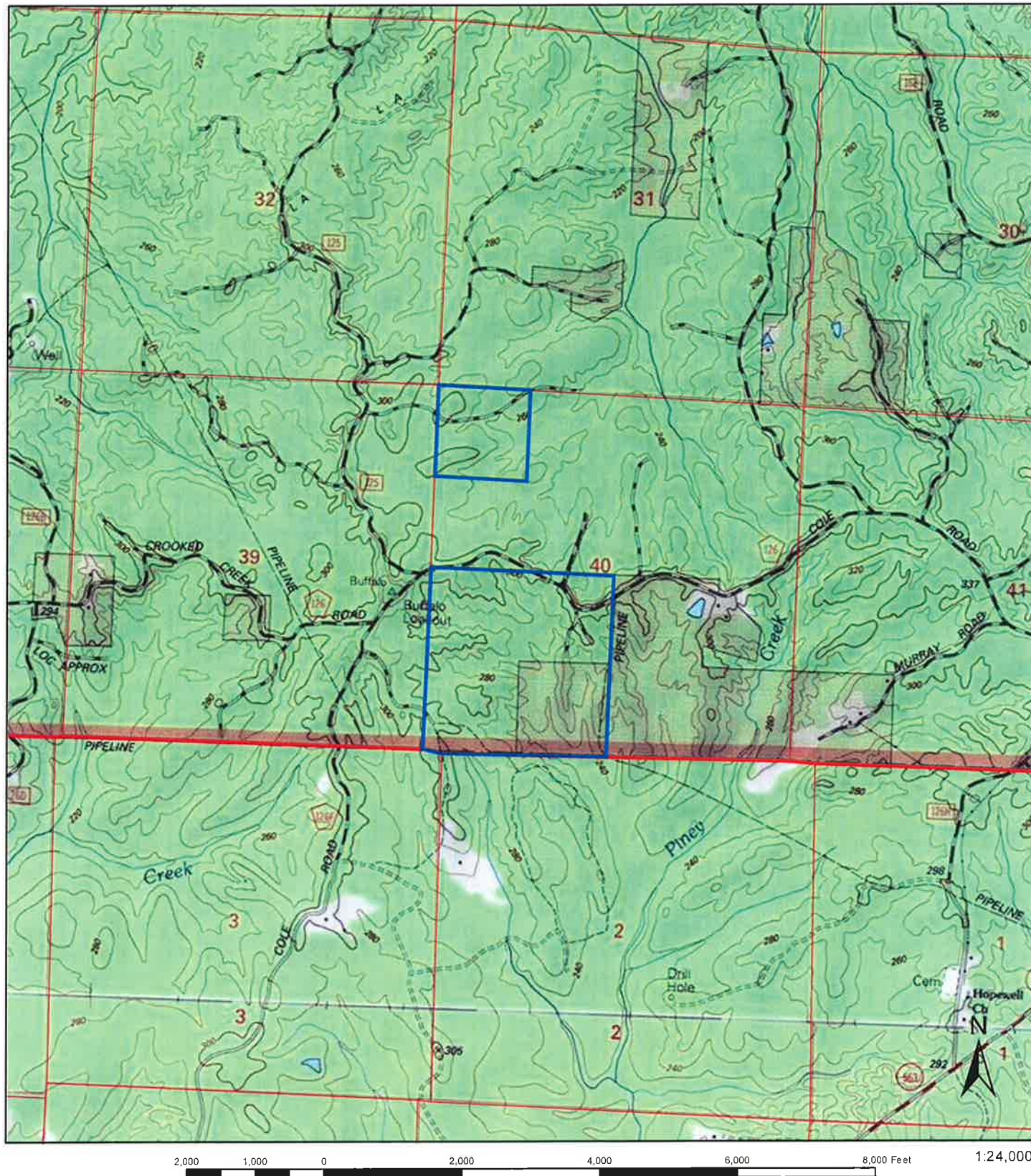
8/6/2010
Date

United States Department of Agriculture
Forest Service, Southern Region
National Forests in Mississippi
100 W. Capitol Street, Suite 1141
Jackson, MS 39269

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Proposed Federal Oil and Gas Lease EOI 1718



Proposed Lease Area:
Wilkinson County, Mississippi, Washington Meridian
T. 4N., R. 1W., Sec. 40, NWNW, SW
Approximately 200 acres.

U.S. Department of the Interior
Bureau of Land Management
Southeastern States Field Office
Jackson, Mississippi

This map contains portions of the following USGS 1:24,000 Topographic Quadrangle: Garden City

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of this data for individual

Map 1 of 1